

## **REMARKS**

Upon entry of this amendment claims 1-25 are pending. Claims 22-25 are withdrawn from consideration. Claims 1, 2 and 19 have been amended. Reconsideration and allowance of all pending claims is requested in view of the following remarks.

### **A. Information Disclosure Statement**

The Information Disclosure Statement filed May 17, 2004 was not filed by the Applicant or his representatives. The confusion appears to have resulted from an inadvertent error in the U.S. Patent and Trademark Office. The return receipt postcard (copy attached in Appendix A) shows the incorrect Application Serial No. 10/825,726. All other correspondence received from the Patent Office reflects the correct Application Serial No. 10/825,725, including the return copy of the transmittal for New Utility Patent Application and filing receipt (see Appendix B). It thus appears that because of confusion with the incorrect Application Serial Numbers on the return receipt postcards, Mr. James used the incorrect serial number when he filed the Information Disclosure Statement on behalf of inventor Peter Hansen, and the Information Disclosure Statement was placed in the wrong file. Applicant respectfully requests that the Information Disclosure Statement filed May 17, 2004 be removed from the application file.

Applicant is filing on December 14, 2005, under separate cover, an Information Disclosure Statement, an Information Disclosure Citation Form PTO-1449, and copies of the foreign references. This Information Disclosure Statement is being filed after receipt of the first office action on the merits, but before a final office action, notice of allowance or an action that otherwise closes prosecution in the application. The requisite fee required under 37 C.F.R. 1.97(c)(2) and §1.17(p) for consideration of this Information Disclosure Statement is being submitted concurrently with the Information Disclosure Statement. Applicant respectfully requests that the cited documents be made of record in the above referenced application. Applicant would appreciate the Examiner initialing and returning the Form PTO-1449 indicating that the information has been considered and made of record herein.

**B. Rejections under 35 U.S.C. §103**

The Examiner has rejected claims 1-21 under 35 USC §103(a) as being unpatentable over U.S. Pat. No. 6,552,130 to *Makino et al.* (hereinafter *Makino*).

In order to sustain a §103(a) rejection the cited reference must disclose each and every limitation of a claim. *Makino* does not disclose each and every limitation of amended Claim 1 and cannot anticipate Claim 1, or claims that depend there from. *Makino* teaches methacrylate resins compositions comprising components (A) a methacrylic acid ester, (B) an acrylic polymer soluble in the component (A) and (C) a compound having a mercapto group and a carboxyl group, for example, thiosalicylic acid. The composition (A) + (B) + (C) may further comprising components (D) a peroxide or (F) an organic amine, and other components as disclosed in *Makino*. Nowhere in *Makino* is there teaching or suggestion that omitting component (C) from the resin compositions will provide functional resins. In contrast, Applicant's invention teaches resin compositions that do not comprise component (C) as disclosed and taught by *Makino*. Therefore a prima facie case for a §103 has not been made.

Further, to better clarify Applicant's invention, independent Claim 1 has been amended to recite a limitation of original Claim 19 that resin compositions comprises as an adhesion promoter a phosphoric ester. Dependent claim 19 has accordingly been amended to recite that the adhesion promoter is methacryloyl oxyethyl phosphate. Nowhere in *Makino* is there disclosure or suggestion of a resin composition comprising a phosphoric ester as an adhesion promoter with or without component (C). Claims 2-21 depend from amended Claim 1. As discussed above the limitations of Claim 1 are not disclosed by *Makino*. Therefore, Applicant submits that the rejections under 35 U.S.C. 103(a) are traversed.

Applicant submits that the Examiner's concerns have been fully addressed and respectfully requests that the rejections under 35 U.S.C. §103(a) of claims 1-21 be withdrawn.

## CONCLUSION

In view of the amendments and arguments herein, reconsideration is respectfully requested. Applicants believe this case is in a condition for allowance, and respectfully requests withdrawal of the rejections and allowance of the pending claims.


Applicant reserves the right to prosecute additional claims, including claims of broader scope, in a continuation application.

Applicants hereby petition for any extension of time which may be required to maintain the pendency of this case, and any required fee, except the Issue Fee, for such extension is to be charged to **Deposit Account No. 19-3878**.

The Examiner is invited to telephone the undersigned at the number listed below if it would in any way advance prosecution of this case.

Respectfully submitted,

Date: December 14, 2005

  
Jacqueline M. Nicol  
Reg. No. 44,973

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PHOENIX/337694.2



APPENDIX A

Application No.: New Application

Applicant: Jutta Lindemann 17497 U.S. P  
10/825726

Filing Date: April 15, 2004



Title: (METH)ACRYLATE RESINS  
AND THEIR USE

- ☒ New Utility Patent Application  
Transmittal (2 pages)
- ☒ Specification and Claims (15 pages)
- ☒ Abstract (1 page)

Docket No.: 63665.00001

Atty: David E. Rogers

Mailed by Express Mail

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Dated: April 15, 2004

**APPENDIX B**

63665-1

Rec'd  
PTO

CERTIFICATE OF MAILING BY EXPRESS MAIL

EXPRESS MAIL NO. 321219214 US

I, Lisa Mansur, hereby certify that the below identified application and attached documents, pursuant to 37 C.F.R. §1.10, are being deposited as "Express Mail" this date with the United States Postal service in an envelope addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

Date: April 15, 2004

By

Lisa Mansur

Signature of person depositing Express Mail

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Docket No.: 63665.00001

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450



**NEW UTILITY PATENT APPLICATION**

Commissioner:

Herewith is the utility patent application of Applicant:

Jutta Lindemann

TITLE: (METH)ACRYLATE RESINS AND THEIR USE

**Including:**

- ☐ Declaration
- ☒ Abstract
- 15 Pages of Specification (only specification and claims)
- 25 Numbered claims(s)
- Sheets of drawing: ☐ informal ☐ formal
- ☐ This is a filing under 37 C.F.R. §1.47 (Petition attached)
- ☐ Attached: Information Disclosure Statement pursuant to 37 C.F.R. §§1.97-1.99
- ☐ Attached: Form PTO No. 1449, with cited references
- ☐ Attached is an Assignment to \_\_\_\_\_
- ☐ Attached: Assignment Recordation Cover Sheet
- ☒ Applicant asserts "small entity" status under 37 C.F.R. §§1.9 and 1.27
- ☒ Priority is hereby claimed under 37 C.F.R. §1.55 and 35 U.S.C. §119 based on prior Germany Application Serial No. 10318443.0, filed April 15, 2003.
- ☒ THIS APPLICATION IS BEING FILED WITHOUT AN OATH OR DECLARATION OR AN ASSIGNMENT BECAUSE THE INVENTOR IS TEMPORARILY UNAVAILABLE; THEREFORE, ISSUANCE OF A NOTICE TO FILE MISSING PARTS IS RESPECTFULLY SOLICITED.

17497 U.S. PTO  
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17497 U.S. PTO  
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*This is your ser #*

NOTED  
C. E. YIM  
10/1/04



THE FOLLOWING FILING FEE IS BASED ON CLAIMS AS FILED  
Per MPEP §§ 506 AND 607

	Claims filed		Basic claims		Present Extra		Fees
Basic Claims							\$ 770.00
Total Effective Claims	25	minus	20	=	5	X \$ 18.00 =	\$90.00
Independent Claims	1	minus	3	=	0	X \$ 86.00 =	\$0.00
Multiple Dependent Claims						X \$145.00 =	\$0.00
						Subtotal =	\$860.00
							\$0.00
If "Applicant asserts "small entity" status under 37 C.F.R. §§1.9 and 1.27." status box above is checked, enter half (1/2) of Subtotal and subtract							
TOTAL FILING FEE							= \$430.00
If "assignment" box is checked, add recording fee:						+ \$ 40.00	\$0.00
If "37 C.F.R. §1.47" box above is checked, add Petition fee (per 37 C.F.R. §1.17(h)):						+ \$130.00	
TOTAL FEE							= \$430.00

☐ A check in the amount of \$\_\_\_\_\_ is enclosed.

☒ Please charge Deposit Account No. 19-3878 in the amount of \$ 430.00. A duplicate copy of this sheet is attached.

This statement does NOT authorize charge of the issue fee. The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under 37 C.F.R. §§1.16-1.18 (deficiency only) now or hereafter relative to this Application and the resulting Official document under 37 C.F.R. §1.20, or credit any overpayment to Account No. 19-3878 for which purpose a duplicate copy of this sheet is attached.

Respectfully submitted,

Date: April 15, 2004

By: \_\_\_\_\_

David E. Rogers  
Reg. No. 38,287

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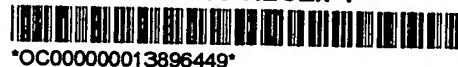
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/825,725	04/15/2004	1713	495	63665.00001		25	1

SQUIRE, SANDERS & DEMPSEY L.L.P.  
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CONFIRMATION NO. 8868  
UPDATED FILING RECEIPT



\*OC000000013896449\*

Date Mailed: 09/24/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Jutta Lindemann, Ehrenburg, GERMANY;

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

GERMANY 10318443.0 04/15/2003

If Required, Foreign Filing License Granted: 06/26/2004

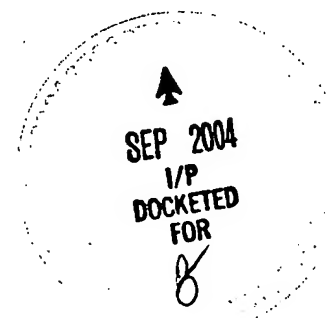
The number of your priority application, to be used for filing abroad under the Paris Convention is,  
**US10/825,725**

Projected Publication Date: 01/06/2005

Non-Publication Request: No

Early Publication Request: No

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